

**FIDUCIARY FEES**  
**EFFECTIVE JULY 1, 2002**  
**FAIRFAX COUNTY CIRCUIT COURT**  
**PROBATE SECTION**  
**4110 CHAIN BRIDGE ROAD ROOM 328**  
**FAIRFAX, VIRGINIA 22030**  
**703-246-4153**

**GUARDIANSHIP/CONSERVATOR PETITIONS:**

All Guardianship and/or Conservator petitions are to be filed in *Chancery* at the Fiduciary Reception Desk – Room 328.

**FILING FEE:** \$18.00 plus Sheriff service fee, if applicable.

**DOCUMENTS REQUIRED FOR FILING:**

- ☐ Original Petition and two copies of the Petition
- ☐ Order appointing a Guardian Ad Litem
- ☐ Notice of Hearing pursuant to §37.1-134.10

**PROBATE AN ESTATE (By appointment only):**

**TESTATE (WITH A WILL)**

**INTESTATE (WITHOUT A WILL)**

**FILING FEES:** Based on estate value. Fees to be determined at appointment.

**REQUIREMENTS FOR FILING:**

- ☐ A Virginia resident to accompany a nonresident prospective executor or administrator
- ☐ The original will (for testate estates)
- ☐ A certified copy of the death certificate
- ☐ Approximate dollar value of any solely-held personal assets
- ☐ Approximate fair market value of real estate in Virginia deeded solely to the deceased or the value of the percentage owned by the deceased when the real estate is deeded as tenants in common.
- ☐ Names, ages, and addresses of heirs at law. These are individuals who are legally entitled to receive an estate when there is no will. The List of Heirs is required in both testate and intestate situations. See Virginia Code Section §64.1-1.
- ☐ A check to pay fees calculated during the probate appointment. Fees are based upon the estate value. The Circuit Court accepts personal checks for payment of fees. However, the Court does not accept out of state checks. The checks must have preprinted information of name, address, and phone number. In addition if an Attorney writes a check, the Virginia Bar number needs to be placed on the check.
- ☐ Bond – All fiduciaries are required to be bonded. State statutes govern whether the bond is with or without surety. The probate clerk will set the appropriate bond at the time the fiduciary qualifies. If you believe a surety bond is required, please have a name and phone number of a bonding agent/company at the time of the appointment.

**FILING FEES/SHERIFF FEES:**

All filing fees & sheriff service fees are made payable to the Clerk of the Circuit Court. Please note that Sheriff's fees for Norfolk and Virginia Beach are paid by separate check payable to the "HIGH CONSTABLE" of the specific jurisdiction.

Attorneys or Petitioners are responsible for submitting the correct number of copies of pleadings for service.

**SERVICE BY SHERIFF:**

- ❑ \$12.00 for each individual being served. Submit an original for the court and two copies for each individual being served. Indicate in your request whether you wish service to be by sheriff or special process server.

**SUBPOENA DUCES TECUM:**

- ❑ Clerk's fee of \$5.00 for the subpoena duces tecum and \$12.00 service fee, if being served by the sheriff for each person being served, payable to the Clerk of the Circuit Court.

**ATTORNEY ISSUED SUBPOENAS:**

- ❑ A copy of the subpoena is required to be filed with the Clerk in accordance with §8.01-407. Fees are required for the subpoena's being served through the Sheriff. There is no longer a clerk's fee for production of documents on Attorney Issued Subpoenas. Fees are payable to the Clerk of the Circuit Court. If the subpoena is served by a special process server, a copy of the attorney issued subpoena must be attached to the affidavit of service.

TAXES & FEES		RECORDATION COSTS	NON RECORDATION COSTS	REVENUE CODE
State Probate Tax	§58.1-1712	\$1.00 per \$1,000 of Estate Value		037
Real Estate Transfer	§58.1-3314	\$1.00 for all parcels in FX County		212
Real Estate Transfer	§58.1-3314	\$1.00 for all parcels in FX City		222
Technology Trust Fund	§17.1-279	\$3.00		106
Law Library	§42.1-70		\$ 4.00	219
Legal Aid	§17.1-278		\$ 4.00	123
Clerk's Fee Recording	§17.1-275A(2)	\$16.00 for up to 10 pages \$30.00 for 11 to 30 pages \$50.00 for 31 or more pages		302 (\$14.50) 145 (\$1.50) 302 (\$28.50) 145 (\$1.50) 302 (\$48.50) 145 (\$1.50)
Clerk's Fee Non Recording	§17.1-275A(4)		\$10.00	302
Clerk's Fee Non Recording	§17.1-275A(6)		\$ 3.00	302
Clerk's Fee Non Recording	§17.1-275A(9)		\$ 2.00	302
Clerk's Fee Non Recording	§17.1-275A(18)		\$10.00	302
Clerk's Fee Non Recording	§17.1-275A(39)		\$ 2.00	302

DOCUMENT/PROCESS	FEE	CODE REFERENCE	REVENUE CODE	
Administration of Out of State Oath	\$10.00	§17.1-275A(4)	302	
Affidavit of Notice	\$16.00	§17.1-275A(2)	302 & 145	Recording up to 10 pages. Additional pages see Clerk's Recording Fees above.
Affidavit Preparation	\$ 3.00	§17.1-275A(6)	302	
Bond Preparation	\$ 3.00	§17.1-275A(6)	302	For any additional, increase, decrease or replacement of bond
Certificate of Qualification Additional and Updated Certificates	\$ 2.00	§17.1-275A(9)	302	1 free certificate issued at time of appointment.
Disclaimers for Exempt Property or Family Allowance Recording	\$16.00	§17.1-275A(2)	302 & 145	Recording up to 10 pages. Additional pages see Clerk's Recording Fees above.
Guardianship/Conservator Recording of Appointment, Restore, Modify or Terminate Order	\$19.00	§17.1-275A(2) §17.1-279	302 & 145 106	Recording up to 10 pages. Additional pages see Clerk's Recording Fees above
List of Heirs	\$16.00	§17.1-275A(2)	302 & 145	Recording up to 10 pages. Additional pages see Clerk's Recording Fees above
Qualification Fee	\$00.00 \$20.00 \$25.00 \$30.00	§17.1-275A(18) §17.1-275A(18) §17.1-275A(18) §17.1-275A(18)	N/A	Estates \$5,000 or less \$ 5,001.00 - \$ 50,000.00 \$ 50,001.00 - \$100,000.00 \$100,001.00 and above
Real Estate Affidavit	\$16.00	§17.1-275A(2)	302 & 145	Recording up to 10 pages. Additional pages see Clerk's Recording Fees above.
Show Cause Publication Orders	\$18.00	§17.1-275A(18) §42.1-70 §17.1-278	302 219 123	
Will/Codicil Recording Fee	\$16.00	§17.1-275A(2)		Recording up to 10 pages. Additional pages see Clerk's Recording Fees above.
Wills for Safekeeping	\$ 2.00	§17.1-275A(39)	302	

**OTHER CASE TYPES RELATING TO FIDUCIARY ISSUES TO BE  
FILED IN FIDUCIARY DEPARTMENT**

TYPE CHARGES	AMOUNT CHARGED	CODE REFERENCE	REVENUE CODE
CLERK'S FEE – FIDUCIARY 2	\$10.00	§31-8.1	302
CLERK'S FEE – CHANCERY- 1	\$50.00	§17.1-275A(26)	303
CLERK'S FEE – CHANCERY- 2 & Fiduciary 1	\$10.00	§17.1-275A(43)	302/303
CLERK'S FEE – LAW **	\$50.00	§17.1-275A(26)	304
LAW LIBRARY	\$ 4.00	§42.1-70	219
LEGAL AID FEE	\$ 4.00	§17.1-278	123
TECHNOLOGY TRUST FUND (TTF)	\$ 3.00	§17.1-279	106
WRIT TAX	\$ 5.00	§58.1-1727	048

CHANCERY 1 LAW**	CHANCERY 2	FIDUCIARY 1	FIDUCIARY 2
Clerk's Fee     \$ 50.00 Law Library     \$ 4.00 Legal Aid        \$ 4.00 TTF                \$ 3.00 Writ Tax         \$ <u>5.00</u> Total              \$66.00	Clerk's Fee     \$10.00 TTF                \$ 3.00 Writ Tax         \$ <u>5.00</u> Total              \$18.00	Clerk's Fee     \$10.00 TTF                \$ <u>3.00</u> Total              \$13.00	Clerk's Fee     \$10.00 Law Library     \$ 4.00 Legal Aid        \$ 4.00 TTF                \$ none Writ Tax         \$ <u>none</u> Total              \$18.00 (plus service)
Appeal of Clerk's Order Bill in Conformity Bill in Equity Custodial Account Declaratory Judgment (Chancery or Law) Declare Death Establish/Impeach Will Reformation of Trust Removal of Personal Representative/Trustee Other Miscellaneous matters involving Fiduciary issues	Guardian/Conservator Appointment Petition - §37.1-134.7 & 37.1- 134.17	Guardian/Conservator Petition to Restore, Modify or Terminate Order- §37.1-134.16 & §37.1-134.18	Petition to Expend from Minors Estate - §31-8.1

